



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>



**Gray Davis**  
Governor

## NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

**APPLICATION 31364**

**DATE FILED October 2, 2002**

Notice is hereby given that Thomson Family Trust has filed for Application 31364 in the event their Petition for Partial Assignment of State Filed Application 5648 that has been assigned Application 5648X02 is denied by the State Water Resources Control Board (SWRCB). Application 31364 is identical to Application 5648X02 and seeks diversion of water from two unnamed streams tributary to Six Mile Creek and Six Mile Creek, both tributary to Angels Creek thence New Melones Reservoir in Calaveras county.

The SWRCB will determine whether a water right permit should be issued for the application and, if so, whether conditions should be included in the permit to protect the environment and other downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of a protest against the application. This notice and future notices of applications to appropriate water by permit may be viewed and printed at the Division of Water Rights (Division) web-site [www.waterrights.ca.gov](http://www.waterrights.ca.gov). Any correspondence to the applicant shall be mailed to:

Thomson Family Trust  
c/o Tom Maddock  
Boyle Engineering Corp.  
1501 Quail Street  
Newport Beach, CA 92660

### DESCRIPTION OF THE PROJECT

The applicant seeks a right to directly divert 45,242 gallons per day (gpd) (not to exceed 18.4 acre-feet annually [afa]) from June 1 through October 15 and to store a total of 9.7 afa into five onstream reservoirs from October 1 through March 31 of the succeeding year as follows:

- (1) Upper Reservoir #1 stores 1.64 acre-feet (af) of water per annum (afa) behind a 12-foot high, 135-foot-long dam forming a reservoir with a surface area of .40 acre (constructed in the early 1950s);
- (2) Lower Reservoir #2 stores .39 afa behind a 12-foot-high, 70-foot-long dam forming a reservoir with a surface area of .13 acre (constructed in the early 1950s);
- (3) Reservoir #3 will store 1.68 afa behind a 12.5-foot-high, 120-foot-long dam forming a reservoir with a surface area of .37 acre;
- (4) Reservoir #4 will store 1.01 afa behind a 12-foot-high, 65-foot-long dam forming a reservoir with a surface area of .34 acre;
- (5) Reservoir #5 will store .48 afa behind an 8-foot-high, 170-foot-long dam forming a reservoir with a surface area of .14 acre.

The additional 4.5 af of water will be used to offset the evaporation losses and keep the ponds full for the fish.

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>."*

The sources to store water in Reservoirs #1, 2, 3, and 5 will be from an (1) unnamed stream tributary to Six Mile Creek and (2) Six Mile Creek via a pipeline. The source of storage for water under Reservoir #4 is from the second unnamed stream tributary to Six Mile Creek. In addition, waters from Reservoir #2 can spill into Reservoir #4. The combined amount of water taken by direct diversion and storage during any one year shall not exceed 28.1 acre-feet. The primary use of water from the reservoirs will be domestic, livestock, and irrigation of five acres of pumpkins; other uses include incidental recreation and fire protection.

### APPLICATION INFORMATION

The applicant proposes to divert water from two unnamed streams tributary to Six Mile Creek and Six Mile Creek, both tributary to Angels Creek thence New Melones Reservoir thence Stanislaus River.

The points of diversion are as follows:

- (1) Reservoir #1 located within the NW¼ of SE¼ of section 13;
- (2) Reservoir #2 located within the NW¼ of SE¼ of section 13;
- (3) Reservoir #3 located within the NW¼ of SE¼ of section 13;
- (4) Reservoir #4 located within the NE¼ of SW¼ of section 13;
- (5) Reservoir #5 located within the NW¼ of SE¼ of section 13; and
- (6) SW¼ of NW¼ of section 18; all being located within T3N, R13E, MDB&M.

The diversion and place of use are located within the County of Calaveras.

Amount of water applied for:

- (A) 45,242 gpd by direct diversion (not to exceed a total of 18.4 afa)
- (B) 9.7 afa to storage.

Water will be used for: Domestic, Livestock, Irrigation, Recreation, and Fire Protection.

The applicant has requested to directly divert water from June 1 to October 15 and store water from October 1 through March 31 of the succeeding year.

Place of Use is described as follows:

Use Within	Section	Township	Range	B & M	Acres	Cultivated
NW¼ of SE¼	13	3N	13E	M	5	Yes/partially

**This is a "minor" project (less than 3 cfs by direct diversion or 200 af per year by storage) as defined by section 1348 of the Water Code.**

### ENVIRONMENTAL INFORMATION

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information, which indicates that the project may cause a significant effect on the environment, please send this information to Mr. Steve Herrera, State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance

with CEQA.

## **PROCEDURE FOR SUBMITTING PROTESTS**

Any person may file a protest against the application. Protests should be submitted on standard protest forms available from the SWRCB or on the Division's web site [www.waterrights.ca.gov](http://www.waterrights.ca.gov), but can be submitted in letter form. A pamphlet that provides additional information relating to water rights and the procedure for filing protests can be obtained from the contact person listed below. The protest should be submitted to:

Patricia Meroney  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**In addition, the protestant must send a copy of the protest to the applicant.**

Protests filed in response to this notice must either be postmarked, or received in the office of the SWRCB's Division of Water Rights (1001 "I" Street, 14<sup>th</sup> Floor, Sacramento, CA) **by 3:00 p.m.** on the **40<sup>th</sup> day** after the date of this notice. Due to the constraints of the noticing period, protests may be filed by FAX at (916) 341-5400. However, an original copy of all materials must be received for the SWRCB to consider your protest. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below and receive an extension of time to submit the protest prior to the final filing date and time. The SWRCB will respond to all protests within 60 days of the final day to file a protest.

## **PROTEST REQUIREMENTS**

Parties may file protests based on any of the following factors:

- Injury to existing water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. If the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the application. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to and includes conditions to protect vested water rights.

If the protest is based on environmental grounds, or other factors listed above, the protest must be accompanied by a statement of facts supporting the basis of the protest. The protest shall include a description of any measures that could be taken to resolve the protest, including modification of the application (i.e., amount, season of diversion, etc.) or conditions (i.e., fish bypass flow, measuring device, etc.) that could be included in the water right permit. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information.

## **RESOLUTION OF PROTESTS**

The protestant(s) and the applicant are encouraged to discuss methods that could be used to resolve the protest. If the protest(s) can not be resolved, the SWRCB may conduct a field investigation for minor projects, or hold a water right hearing for major projects.

## **CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of the protest forms or pamphlet, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at [pmeroney@waterrights.swrcb.ca.gov](mailto:pmeroney@waterrights.swrcb.ca.gov). Protest forms may also be obtained from our web-site at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

**DATE OF NOTICE: 01-24-03**